



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 6, 2005

Henry Oord
4581 Maple Grove Rd
Sunnyside WA 98944-9793

Re: Emergency Drought Permit No. G4-35030

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology (Ecology) has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing perennial crops (such as orchard crops, grapes, hops, etc.) where the loss of irrigation water would permanently damage the crops. Through the use of emergency supplemental wells, Ecology is authorizing up to 80% of the usual irrigation water supply delivered by the irrigation districts. In a normal year, Roza Irrigation District (Roza) is prepared to deliver 3 to 3.3 acre-feet of water per acre. 80% of 3.3 acre-feet is 2.6 acre-feet. Roza is expected to deliver approximately 0.8 acre-feet of water. The applicant states that they will need an additional 0.7 acre-feet for the supplemental irrigation of 244.9 acres of Sudan grass.

The applicant is also requesting supplemental water under the 2004 Change Authorization No. CS4-00135CTCL for the operation of a dairy. Change Authorization No. CS4-00135CTCL, with a priority date of December 1, 1960, changed the place of use and purpose of use from irrigation to continuous dairy operation under Court Claim No. 00135 in Subbasin 26 (Granger). That Change Authorization also authorized a change from a surface water diversion (Crystal Springs) to the withdrawal of 300 gallons per minute (gpm) and 204 acre-feet per year from two wells located on the applicant's property. Change Authorization No. CS4-00135CTCL is subject to curtailment from the United States Bureau of Reclamation under the prior right of the United States with a priority date of May 10, 1905. The authorization for dairy use will last for 209 days, from the beginning of storage control (April 6) to the expiration date of this Temporary Permit (October 31), and will be based on 80 % of the original 2004 Change Authorization of .56 acre-feet per day.

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This authorization is subject to the following limitations and provisions:

This authorization is for two existing wells:

- The first is a 230 foot well located approximately 1180 feet north and 120 feet east of the southwest corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T. 11 N., R. 22 E.W.M.
- The second is a 300 foot well located approximately 1850 feet north and 250 feet east of the southwest corner of Section 35, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T. 11 N., R. 22 E.W.M.

The instantaneous quantity of water to be withdrawn under both wells is limited to 600 gpm.

A total of 288.47 acre-feet of water is authorized under this emergency permit; 171.43 acre-feet for the supplemental irrigation of 244.9 acres, and 117.04 acre-feet for 209 days of dairy operation.

The place of use is described as follows:

Dairy Supplemental Use

Within the S $\frac{1}{2}$ Section 35, T. 11 N., R. 22 E.W.M.: All that part of the SW $\frac{1}{4}$ Section 35, lying southerly of the Roza Canal, EXCEPT county road right-of-ways. AND all the part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35 lying south of the Roza Canal and west of the line described as: Beginning at the SW corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35; thence N 01° 30' W along the west line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 21.32 feet; thence N 22° 41' E to the southern right of way line of the Roza Canal. AND the NW $\frac{1}{4}$ of Section 2 T. 10 N., R. 22 E.W.M.

Supplemental irrigation of 244.9 Acres Assessed by the Roza Irrigation District

NE $\frac{1}{4}$ Section 3, T. 10 N., R. 22 E.W.M. EXCEPT the N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ thereof and EXCEPT a parcel described as follows: Beginning at the east quarter corner of Section 03, thence W 650 feet to the point of beginning; thence continuing W 507.4 feet, thence N 32° E 206.1 feet; thence E 487.6 feet; thence S 27° W 206.1 feet to the point of beginning.

SE $\frac{1}{4}$ Section 3, T. 10 N., R. 22 E.W.M. lying north of the Outlook Canal. AND that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 03 lying north of the Outlook Canal and east of the following described line: Beginning at the center of said Section 03, thence W 190.9 feet to the point of beginning; thence S 16° 56' W 605 feet to the right-of-way of the Outlook Canal and terminus of said line.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being withdrawn, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2005.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE Rowe Six Bldg 2
PO Box 40903
Lacey WA 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

In addition, please send a copy of your appeal to:

Robert F. Barwin
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

Sincerely,



Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office, Dept. of Ecology

RFB:ST:gg
050712

Enclosures: Flow Meter Requirements
Your Right To Be Heard

cc: Philip Rigdon, Deputy Director, Natural Resources Division, Yakama Nation
Curt Hart, Water Resources Program, HQ